

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ASHLEY COX, *et al.*,

Plaintiffs,

V.

Case No. 3:21-cv-253-HEH

ELLEN MARIE HESS, in her official
capacity as Commissioner of the Virginia
Employment Commission,

Defendant.

STATUS REPORT ON UNPAID CLAIMS THROUGH OCTOBER 15, 2021

Pursuant to Paragraph 2 of the Joint Status Report filed by the parties on November 5, 2021 (ECF No. 54) (the “Joint Status Report”), Ellen Marie Hess, in her official capacity as the Commissioner of the Virginia Employment Commission (the “VEC”), provides the following report regarding the status of unpaid claims awaiting adjudication arising after May 10, 2021 through October 15, 2021 (“Unpaid Claims Awaiting Adjudication as of October 15”):

1. The VEC agreed to substantially resolve at least 95% of the pending Unpaid Claims Awaiting Adjudication as of October 15 on or before November 19, 2021. As of the week ending November 6, 2021, the total number of Unpaid Claims Awaiting Adjudication as of October 15 was 24,245.

2. The VEC has made substantial progress in terms of addressing and resolving these pending unpaid claims. Through the week ending November 20, 2021, the remaining number of Unpaid Claims Awaiting Adjudication as of October 15 is now 4,284. Based on this remaining number of unpaid pending cases, the VEC has completed approximately 82.3% of the Unpaid Claims Awaiting Adjudication as of October 15. As the Plaintiffs' Advocates are aware, the VEC

just transitioned to a new Unemployment Insurance (“UI”) system. As a result of the changeover to the new system, the existing UI system has been shut down since November 8, 2021, meaning that the VEC has not been able to work on unpaid pending cases. The VEC resumed work just yesterday on pending unpaid claims and expects to resolve the remaining Unpaid Claims Awaiting Adjudication as of October 15 shortly. The VEC will continue weekly reporting to Plaintiffs’ Advocates until the performance standard set forth in Paragraph 2 of the Joint Status report is met.

Date: November 30, 2021

Respectfully submitted,

ELLEN MARIE HESS, in her official capacity
as Commissioner of the Virginia Employment
Commission

By: _____/s/
William W. Tunner (VSB #38358)
William D. Prince IV (VSB #77209)
Michael G. Matheson (VSB #82391)
John P. O’Herron (VSB #79357)
Rachel W. Adams (VSB #92605)
THOMPSON MCMULLAN, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wtunner@t-mlaw.com
wprince@t-mlaw.com
mmatheson@t-mlaw.com
joherron@t-mlaw.com
radams@t-mlaw.com

*Counsel for Defendant Ellen Marie Hess, in her
official capacity as Commissioner of the Virginia
Employment Commission*

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Craig C. Marchiando (VSB #89736)
Leonard A. Bennett (VSB #37523)
Drew D. Sarrett (VSB # 81658)
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
lenbennett@clalegal.com
craig@clalegal.com
drew@clalegal.com

Steven Fischbach (VSB #94280)
Virginia Poverty Law Center
919 East Main Street, Suite 610
Richmond, VA 23219
Telephone: (804) 351-5266
steve@vplc.org

Brenda Castaneda (VSB #72809)
Patrick Levy-Lavelle (VSB #71190)
Granville Warner (VSB #24957)
Legal Aid Justice Center
1000 Preston Avenue
Charlottesville, VA 22903
Telephone: (434) 977-0553
brenda@justice4all.org
pat@justice4all.org
cwarner@justice4all.org

Daniel Turczan (VSB #81551)
Legal Aid Works
500 Lafayette Blvd., Suite 100
Fredericksburg, VA 22401
Telephone: (540) 371-1105
dturczan@legalaidworks.org

Kristi Cahoon Kelly (VSB #72791)
Andrew J. Guzzo (VSB #82170)
Casey S. Nash (VSB #84261)
Kelly Guzzo, PLC
3925 Chain Bridge, Suite 202
Fairfax, VA 22030
Telephone: (703) 424-7572
Facsimile: (703) 591-0167
kkelly@kellyguzzo.com
aguzzo@kellyguzzo.com
casey@kellyguzzo.com

By: _____ /s/
William D. Prince IV (VSB #77209)
THOMPSON McMULLAN, P.C.
100 Shockoe Slip, 3rd Floor
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wprince@t-mlaw.com

*Counsel for Defendant Ellen Marie Hess, in her
official capacity as Commissioner of the Virginia
Employment Commission*